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of the character of the message. See editorial note, 7 Va. Law Reg. 225. See also 3 Va. Law Reg. 222. For full treatment of the subject of Mental Anguish, see 10 Va. Law Reg. 594 (November number). C. B. G.

WHERE SUIT IS TO BE COMMENCED—CONTRACT BY TELEPHONE—SEC. 3215 VA. CODE ANNO.—An agreement by a resident of one county, in response to a telephone call from a person residing in another county, that he would honor a draft for the amount in case the latter should advance money to a third person, is held, in *Bank of Yolo v. Sperry Flour Co.* (Cal.), 65 L. R. A. 90, to be made in the former, within the meaning of a constitutional provision that actions on contracts may be brought in the county where they are made. Compare sec. 3215 Va. Code Anno. and see notes thereto.

JOINT RESOLUTIONS OF THE GENERAL ASSEMBLY—EFFECT THEREOF—CAN PUBLIC SCHOOL BOARDS BE COMPELLED TO OBSERVE JUNE 3D, JEFFERSON DAVIS' BIRTHDAY?—ACTS 1899-1900, p. 1374.—By a joint resolution of the general assembly, Acts 1899-1900, p. 1374, it was resolved, "as a mark of perpetual respect and remembrance of Jefferson Davis and of the distinguished services rendered by him, that the third day of June in each year be, and the same is, hereby set apart as a day of recreation in the public schools of the commonwealth, and that the public offices of the state be closed after twelve o'clock meridian of each recurrence of the said day, and that the flag of the state be hoisted over the capitol building." This joint resolution was approved by the governor, March 7, 1900, and the question has been raised whether it has the force and effect of law; or, to state the proposition in general terms, has a joint resolution, which received the assent of both houses, and was approved by the governor, before the Constitution of 1902 went into effect, the force and effect of law, and may its observance, in a proper case, be compelled by mandamus?

Under the Constitution of 1902, a joint resolution, in the ordinary acceptance of that term, would not have the effect of a law; for sec. 50 of that instrument provides: "No law shall be enacted except by bill"; and provides further that no bill shall become a law, unless, prior to its passage, it has been referred to a committee, considered thereby and reported in each house, printed, read three times and passed by a ye and nay vote, recorded in the journal, which shall include at least two-fifths of the members elected to each house voting in the affirmative. Whether a joint resolution, which takes the course here prescribed for a bill and is approved by the governor, can have the effect of a law under our new constitution, is a doubtful question which it is not the purpose of this note to solve. But under the Constitution of 1869, it seems clear that a joint resolution, regularly passed by both houses and approved by the governor, has the same effect as a bill so passed and approved. Art. 5, cl. 9, Cons. 1869, provides: "Bills and resolutions may originate in either of the two houses of the general assembly, to be approved or rejected by either, and may be amended by either house, with the consent of the other"; and art. 4, cl. 8, provides: "Every bill which shall have passed the Senate and House of Delegates, and every resolution requiring the assent of both branches of the general assembly, shall, before